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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/743,668	05/01/2001	Robert Owen Bristow	P16885US1	5802

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EXAMINER

SMITH, SHEILA B

ART UNIT PAPER NUMBER

2617

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/743,668

Applicant(s)

BRISTOW, ROBERT OWEN

Examiner

Sheila B. Smith

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10, 13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 15 is/are allowed.
- 6) ☐ Claim(s) 10, 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10,13, rejected under 35 U.S.C. 103(a) as being unpatentable over Kivela et al. (U.S. Patent Number 6,272,359) in view of Helferich (U.S. Patent Number 6,233,430).

Regarding claims 10, Kivela et al. discloses essentially all the claimed invention as set forth in the instant application, further Kivela et al. discloses a personal mobile communications device having multiple units. In addition Kivela et al. discloses a communication system comprising a communications device (2) a remote unit (3) a first transceiver (4) for communicating over a first communication network; a second transceiver (21,28) for communicating with a remote unit (130) (which reads on column 6 lines 6-26); and means for providing an alert signal if the detected signal strengths exceed a predetermined threshold (which reads on column 12 lines 31-45). However, Kivela et al. fails to specifically disclose (a) means for detecting signal strengths of potentially interfering signals; and (b) a means for storing an audible message; and means for playing back the stored audible message in response to a received alert signal.

In the same field of endeavor, Helferich discloses a paging transceivers and methods for selectively retrieving messages. Additionally, Helferich discloses (a) means for detecting signal strengths of potentially interfering signals; as disclosed in column 11 lines 5-15 and (b) a means

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for storing an audible message; and means for playing back the stored audible message in response to a received alert signal as disclosed in column 1 lines 30-35.

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to modify Kivela et al. with a means for storing an audible message; and means for playing back the stored audible message in response to a received alert signal as taught by Helferich for the purpose of playing or displaying messages while efficiently using memory.

Regarding claim 13, Kivela et al. discloses everything claimed as applied above (see claim 1), in addition Kivela et al. discloses a communication system comprising a communications device (2) a remote unit (3) a first transceiver (4) for communicating over a first communication network; a second transceiver (21,28) for communicating with a remote unit (130) (which reads on column 6 lines 6-26); and means for providing an alert signal if the detected signal strengths exceed a predetermined threshold (which reads on column 12 lines 31-45). However, Kivela et al. fails to specifically disclose (a) means for detecting signal strengths of potentially interfering signals; and (b) remote unit comprises means for displaying a visual message in response to a received alert signal.

In the same field of endeavor, Helferich discloses a paging transceivers and methods for selectively retrieving messages. Additionally, Helferich discloses (a) means for detecting signal strengths of potentially interfering signals; as disclosed in column 11 lines 5-15 and (b) the remote unit comprises means for displaying a visual message in response to a received alert signal as disclosed in column 1 lines 30-35.

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to modify Kivela et al. with the remote unit comprises means for displaying

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a visual message in response to a received alert signal as taught by Helferich for the purpose of playing or displaying messages while efficiently using memory.

Allowable Subject Matter

2. Claim 15 is allowed.

Response to Arguments


3. Applicant's arguments with respect to claims 10,13 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S. Smith 
October 30, 2006


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER